

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKUSDC SDNY
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| SCOTTSDALE INSURANCE COMOANY, | : | |
| | : | |
| Plaintiff, | : | |
| | : | 19-cv-7477 (LJL) |
| -v- | : | <u>ORDER</u> |
| PATRICK MCGRATH, AH DB KITCHEN | : | |
| INVESTORS LLC, and CASTLEGRACE EQUITY | : | |
| INVESTORS, LLC, | : | |
| | : | |
| Defendants. | : | |

| | | |
|-----------------------------------|---|--|
| ----- | X | |
| PATRICK MCGRATH, | : | |
| | : | |
| Third-Party Plaintiff, | : | |
| | : | |
| -v- | : | |
| CRAVEABLE HOSPITALITY GROUP f/k/a | : | |
| WATERSHED VENTURES, LLC, | : | |
| | : | |
| Third-Party Defendant. | : | |
| | : | |
| ----- | X | |

LEWIS J. LIMAN, United States District Judge:

Defendant's motion for sanctions and to compel discovery is denied in part and granted in part. Dkt. No. 130. Discovery in this case closed on April 1, 2021. Dkt. No. 57. If McGrath wanted the entire claims file, he could have served a request for production of documents within that time frame and, if he believed Plaintiff's production to be incomplete, he could have then made a timely motion to compel. Plaintiff does have a continuing duty to make Rule 26(a)(1) disclosures. *See* Fed. R. Civ. P. 26(a)(1)(A). But Defendant has not shown that Plaintiff has

failed to disclose any document it might use to support its claims or defenses. Fed. R. Civ. P. 26(a)(1)(ii). Accordingly, all of the relief that Defendant requests in the paragraph of its letter motion headed “Relief Requested” is denied. However, the Court will preclude Plaintiff from offering into evidence at trial any document from the claims file that it has withheld from production and to which Defendant does not otherwise have access. The Clerk of Court is respectfully directed to close the motion at Dkt. No. 130.

SO ORDERED.

Dated: October 2, 2024
New York, New York



LEWIS J. LIMAN
United States District Judge